

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNIFIED WESTERN GROCERS,
INC.; CERTIFIED GROCERS OF
CALIFORNIA, LTD.; GROCERS
SPECIALTY COMPANY; ALFRED
A. PLAMANN; CHARLES
PILLITER; DANIEL T. BANE;
ROBERT M. LING; AND DAVID
WOODWARD,

Plaintiffs,

vs.

TWIN CITY FIRE INSURANCE
COMPANY, an Indiana Corporation,

Defendant.

DECLARATION OF SAMANTHA M. BALL

I, Samantha M. Ball, declare:

1. I am Counsel at the law firm of Tucker Ellis & West LLP, co-counsel for defendant Twin City Fire Insurance Company (“Twin City”).

2. I am a member of the bar of the State of California and am admitted to practice before the United States District Court, Central District of California, the Ninth Circuit Court of Appeals and the Supreme Court of the United States of

America. I have been admitted *pro hac vice* by the United States District Court, District of Hawaii, for the purpose of defending Twin City in the aforementioned matter. I submit this Declaration in support of Twin City's Opposition to Plaintiffs' Motion for Leave to File First Amended Complaint, filed concurrently herewith.

3. I have personal knowledge of all of the facts attested to in this declaration based on a reasonable investigation and could competently testify thereto if called as a witness in any legal proceeding.

4. Attached as **Exhibit "A"** to this Declaration is a genuine, true and correct copy of the "Stipulation Regarding Authenticity of Insurance Policy; Exhibit "A", filed on August 25, 2004, in the matter entitled Unified Western Grocers, Inc., et al. v. Twin City Fire Insurance Company, United States District Court (D. Haw.) Civil No. CV 03-00336 HG BMK (the "Within Action").

5. Attached as **Exhibit "B"** to this Declaration is a genuine, true and correct copy of the "Transcript of Proceedings Regarding Cross-Motions for Summary Judgment" held on December 6, 2004 in the Within Action.

6. Attached as **Exhibit "C"** to this Declaration is a genuine, true and correct copy of the "Transcript of Proceedings Regarding Plaintiffs' Motion for Reconsideration" held on March 11, 2005 in the Within Action.

I declare, under penalty of perjury, under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 24th day of May 2007, in
Los Angeles, California.

/s/ Samantha M. Ball
Samantha M. Ball